

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 16, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Weinstein.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes of Previous Meeting for approval.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. REYNOLDS presented a resolution Honoring the Life of Jeremy Krencik.

Item 6 – MR. KOZUB presented a resolution Honoring 2006 Lackawanna Chamber Citizen of the Year Msgr. Robert C. Wurtz P.A.

Item 7 – MR. LOUGHRAN presented a resolution Honoring 2006 Olympic Figure Skating Kimmie Meissner.

Item 8 – HOLT & SMITH presented a resolution In Memory of Herbert Bellamy Sr.

Item 9 – MR. WEINSTEIN presented a resolution Recognizing the 89th Anniversary of Girl Scouting in the United States.

Item 10 – SMITH & HOLT presented a resolution Recognizing Byron Lockwood Deputy Commissioner for the Buffalo Police Department.

Item 11 – MS. IANNELLO presented a resolution In Memory of Pfc. Benjamin C. Shuster of Grand Island National Guard 2nd Battalion 101st Cavalry Regiment in Buffalo, NY.

Item 12 – MS. IANNELLO presented a resolution Honoring Carissa Bailey and Karalyn Rossi Upon Being Selected as the 2006 Grand Island High School Student Ambassadors.

Item 13 – MR. WEINSTEIN presented a resolution Honoring Ambassador Anthony H. Gioia Upon Winning the 2006 Abraham Lincoln Leadership Award.

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MS. WHYTE presented the above nine items and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above nine items and include one from Legislator Ranzenhofer. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for the approval of the above ten items. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 15 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – MS. WHYTE presented the following Local Law and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: WEINSTEIN, HOLT, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZNEHOFER and IANNELLO. (AYES: 12, NOES:3)

CARRIED.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2 - 2006 **LOCAL LAW NO. ____ - 2006**

A LOCAL LAW imposing a surcharge on wireless communications service in the County of Erie.

BE IT ENACTED by the Legislature of the County of Erie as follows:

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Section 1 Pursuant to the authority of Section 308-t of the County Law, the County of Erie hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Erie. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this local law, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be (a) the residential street address or the primary business street address of the customer and (b) within the licensed service area of the wireless communications service supplier. A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on March 29, 2006 as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of May 15, 2006.

Section 2 Each wireless communications service supplier serving the County of Erie shall act as collection agent for the county and shall remit the funds collected pursuant this local law to the Chief Fiscal Officer of the County of Erie. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 3 Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Erie for such surcharge until it has been paid to the county, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 4 No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Erie, it shall also provide the county with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 5 Each wireless communications service supplier shall annually provide to the County of Erie an accounting of the surcharge amounts billed and collected.

Section 6 This local law shall take effect upon filing with the office of the NYS Secretary of State.

LYNN M. MARINELLI

BARRY A. WEINSTEIN

COMMITTEE REPORTS

Item 17 – MR. HOLT presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

MARCH 7, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-29 (2006)
MARINELLI: Copy of Letter to Social Services Commissioner Re: Reply to Feb. 1 Letter Regarding Cuts to DSS
 (5-0)
 - b. COMM. 4D-1 (2006)
SOCIAL SERVICES: Possible Cuts to Social Services Dept.
 (5-0)
 - c. COMM. 5E-1 (2006)
COUNTY EXECUTIVE: Copy of Text from State of the County - "The Road Home"
 (5-0)
2. COMM. 1E-12 (2006)
COUNTY EXECUTIVE
 WHEREAS, the following grant programs are included in Book B of the 2006 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of Federal, State, County and other local source funding for the following grant programs with commence on January 1, 2006:

Department	Grant Program	2006 Budget Book B Page Number
Dist. Atty.	Motor Vehicle Theft and Insurance Fraud Prevention	19*
Probation	Intensive Supervision Program	39
Probation	Alternatives to Incarceration –Pre-Trial Project, Community Service Sentencing and Women’s Residential Resource Center	39, 40
Probation	Mental Health Juvenile Justice Project	40
Social Svcs.	Day Care Registration Program	63

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Social Svcs.	New York Works Block Grant	64
Youth Bureau	Special Delinquency Prevention Program (SDPP)	112
Co. Exec. Comm. Dev. Fund	Office of Workforce Development	183

* Commences on 3/1/06

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the following administrative units: County Executive, District Attorney, Probation, Social Services, Youth Bureau, Law, Comptroller, and Budget, Management and Finance.
 (5-0)

GEORGE A. HOLT, JR.
CHAIRMAN

Item 18 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

MARCH 7, 2006

HEALTH COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 3E-14 (2006)
COUNTY EXECUTIVE: Health - Working with Wellness Program - 1/1/06 - 12/31/06
 (4-0)
2. INTRO 5-2 (2006)
WEINSTEIN, MILLS, RANZENHOFER, SMITH, KOZUB, KONST & LOCKLEAR
 WHEREAS, Health Insurance and Long Term Care (LTC) insurance premiums are significant to most taxpayers' budgets, and

WHEREAS, many people do not file an income tax return itemizing deductions and cannot deduct any of their Health or LTC insurance costs, placing a significant burden on low to middle income taxpayers, and

WHEREAS, for taxpayers who do itemize their taxes, their premiums are partially deductible at most.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges our federal representatives to change the Federal Tax Code allowing for a full deduction of both Health Insurance and Long Term Care Insurance premiums, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Senator Charles Schumer, Senator Hillary Clinton, Representative Thomas Reynolds, Representative Louise Slaughter, and Representative Brian Higgins.

(4-0)

3. COMM. 5E-16 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Mental Health has been notified by New York State of funding administered by the Division of Criminal Justice Services through the Edward Byrne Memorial program, and

WHEREAS, the State has designated this funding for use in the Local Reentry Task Force Initiative, and

WHEREAS, the reentry program goal is to reduce recidivism in local jurisdictions and to increase public safety through improved coordination and collaboration among criminal justice, social services, educational, health and mental health systems, and

WHEREAS, the Department of Mental Health released a Request for Proposal (RFP) in relation to this award and has selected Mid-Erie Counseling and Treatment Services as the provider after review of responses received, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Mental Health, Department 124, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	Mid-Erie Counseling and Treatment Services	<u>\$96,000</u>
	Total Expenditure	<u>\$96,000</u>
409000	State Aid Revenue	<u>\$96,000</u>
	Total Revenue	<u>\$96,000</u>

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and be it further

RESOLVED, that the County Executive and the Commissioner of Mental Health are authorized to execute necessary contracts and agreements for this program, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Mental Health, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0)

CYNTHIA E. LOCKLEAR
CHAIRPERSON

Item 19 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

MARCH 9, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

TIMOTHY M. KENNEDY
CHAIRMAN

Item 20 – MR. SMITH presented the following report and moved for immediate consideration and approval. MR. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

MARCH 9, 2006

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1a. COMM. 2D-3 (2006) **AS AMENDED**
BUDGET, MANAGEMENT & FINANCE

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WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing)

NOW, THEREFORE BE IT,

RESOLVED, that petitions numbered 206090 through 206126 inclusive be hereby approved based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2006	Petition No.	206090	
	ASSESSOR	Cancel	\$1,924.89
S-B-L 122.05-9-1 & 2 OTHERS		140200 BUFFALO	
	Acct. No. 112	\$1,924.89	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140200 BUFFALO		\$0.00

CANCEL - UNLAWFUL ENTRY, THESE WERE PURCHASED BY THE SENECA NATION FOR FUTURE DEVELOPMENT (CASINO). THESE PARCELS ARE NOW EXEMPT IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW SECTION 454. RPTL 550(2)A

FISCAL YEAR 2006	Petition No.	206091	
	ASSESSOR	Cancel	\$120.03
S-B-L 100.48-1-23		140200 BUFFALO	
	Acct. No. 112	\$120.03	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	140200 BUFFALO		\$0.00

CANCEL - ERROR IN ESSENTIAL FACT, PROPERTY WAS ASSESSED WITH A HOUSE ON IT. PARCEL IS VACANT LAND ONLY. THE ASSESSMENT WAS 25,000 AND SHOULD BE 1,600. RPTL 550(3)A

FISCAL YEAR 2006	Petition No.	206092	
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ASSESSOR Refund \$799.43

S-B-L 40.14-7-5 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$799.43 Town/SpecialDist/School

Charge To : 142289 AMHERST \$799.43

REFUND - CLERICAL ERROR, THE TOWN OF AMHERST OF AMHERST HAS REQUESTED THAT THE GARBAGE TAX BE REMOVED. RPTL 550(2)E
CHECK FOR: ANTHONY NAPOLI

FISCAL YEAR 2005 Petition No. 206093

ASSESSOR Refund \$913.23

S-B-L 41.07-4-2.1/20B 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$913.23 Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION \$913.23

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 53,120 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
CHECK FOR: GERTRUDE DUKAT WILLIAMSVILLE CENTRAL

FISCAL YEAR 2006 Petition No. 206094

ASSESSOR Refund \$373.04

S-B-L 69.06-6-13 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$373.04 Town/SpecialDist/School

22018 DEL ECWA \$373.04

Charge To : 142289 AMHERST \$0.00

REFUND - CLERICAL ERROR, THE DELINQUENT FOR ERIE COUNTY WATER AUTHORITY WAS PAID NOV 10 2005, PRIOR TO TAX ROLL BEING CREATED. RPTL
CHECK FOR: M & T MORTGAGE

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FISCAL YEAR 2005	Petition No.	206095	
	ASSESSOR	Refund	\$632.06
S-B-L 79.23-5-18	142289 AMHERST		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$632.06	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$632.06	
<u>Charge To :</u>	142289 AMHERST		\$0.00

**REFUND - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 31,870 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C
CHECK FOR: MARILYN BARKER AMHERST CENTRAL**

FISCAL YEAR 2006	Petition No.	206096	
	ASSESSOR	Refund	\$399.72
S-B-L 82.05-3-3	142289 AMHERST		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$399.72	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$399.72

**REFUND- CLERICAL ERROR, THE TOWN HAS REQUESTED THAT THE REFUSE CHARGE BE REMOVED ON THIS PARCEL. RPTL 550(2)E
CHECK FOR: WILLIAM A STAHLKA**

FISCAL YEAR 2005	Petition No.	206097	
	ASSESSOR	Refund	\$892.34
S-B-L 241.00-1-34	142600 BOSTON		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$892.34	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$892.34	
<u>Charge To :</u>	142600 BOSTON		\$0.00

**REFUND - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 55,850 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C
CHECK FOR: ANTHONY THIEL EDEN CENTRAL**

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88,632 ON THE TAX ROLL. RPTL 550(2)E

FISCAL YEAR 2006 Petition No. 206101

ASSESSOR Cancel \$2,572.31

S-B-L 79.20-12-24 143089 CHEEKTOWAGA

Acct. No. 112 \$475.74 County
Acct. No. 132 \$2,096.57 Town/SpecialDist/School

30025 FIRE # 6 CLEVELAND HILL \$72.95

Charge To : 143089 CHEEKTOWAGA \$2,023.62
Relevy School \$1,261.08 143003 CHEEK. UNION #3

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE ON THE TAX ROLL WAS ENTERED INCORRECTLY. THE ASSESSMENT USED WAS 52,500 AND SHOULD BE 18,900. RPTL 550(2)A

FISCAL YEAR 2006 Petition No. 206102

ASSESSOR Cancel \$315.76

S-B-L 346.00-1-16.2 143889 CONCORD

Acct. No. 112 \$190.47 County
Acct. No. 132 \$125.29 Town/SpecialDist/School

38019 CONCORD FIRE PROTECT \$63.57

Charge To : 143889 CONCORD \$61.72

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY NEW YORK STATE DOT AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

FISCAL YEAR 2005 Petition No. 206103

ASSESSOR Refund \$1,283.59

S-B-L 79.20-13-11 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,283.59 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$1,283.59
Relevy School \$1,283.59 143003 CHEEK. UNION #3

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REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 46,000 AND SHOULD BE 11,800. RPTL CHECK FOR: RAY DELLAMICO & JOANNE STILLWELL

FISCAL YEAR 2006 Petition No. 206104

 ASSESSOR Refund \$1,010.02

S-B-L 79.20-13-11 143089 CHEEKTOWAGA

 Acct. No. 112 \$279.33 County
 Acct. No. 132 \$730.69 Town/SpecialDist/School
 30025 FIRE # 6 CLEVELAND HILL \$75.76
Charge To : 143089 CHEEKTOWAGA \$654.93

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 46,000 AND SHOULD BE 11,100. RPTL 550 CHECK FOR: RAY DELLAMICO

FISCAL YEAR 2006 Petition No. 206105

 ASSESSOR Cancel \$12.90

S-B-L 238.15-2-75 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$12.90 Town/SpecialDist/School
Charge To : 144000 EDEN \$12.90

CANCEL - CLERICAL ERROR, THE EXEMPTION FOR FIRE/AMBULANCE PERSONEL WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2006 Petition No. 206106

 ASSESSOR Refund \$147.63

S-B-L 193.00-1-7.1 144489 EVANS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$147.63 Town/SpecialDist/School
Charge To : 144489 EVANS \$147.63

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REFUND - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE TOWN OF EVANS
MAKING IT TO BE WHOLLY EXEMPT - TO BE PLACED IN ROLL SECTION 8. RPTL
550(7)A
CHECK FOR: TOWN OF EVANS

FISCAL YEAR 2006	Petition No.	206107	
ASSESSOR	Refund	\$40.68	
S-B-L 250.10-4-4.1	144489 EVANS		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$40.68	Town/SpecialDist/School
44068	ERIE CO SEW DST 2	\$12.68	
44069	ERIE CO SEW DIST 2	\$28.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

REFUND - UNLAWFUL ENTRY, THIS PARCEL IS NOT LOCATED IN ERIE COUNTY
SEWER DISTRICT #2. RPTL 550(7)B
CHECK FOR: LISA & EDWARD BIERCE

FISCAL YEAR 2004	Petition No.	206108	
ASSESSOR	Refund	\$40.50	
S-B-L 250.13-4-7	144489 EVANS		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$40.50	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$40.50

REFUND - CLERICAL ERROR, THE FOOTAGE ON THIS PARCEL FOR ERIE
COUNTY SEWER TAX SHOULD BE ZERO NOT 135 FEET. RPTL 550(2)E
CHECK FOR: JEANNE MACKO

FISCAL YEAR 2005	Petition No.	206109	
ASSESSOR	Refund	\$60.75	
S-B-L 250.13-4-7	144489 EVANS		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$60.75	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$60.75

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REFUND - CLERICAL ERROR, THE FOOTAGE ON THIS PARCEL FOR ERIE COUNTY SEWER TAX SHOULD BE ZERO NOT 135 FEET. RPTL 550(2)E
CHECK FOR: JEANNE MACKO

FISCAL YEAR 2006	Petition No.	206110	
	ASSESSOR	Cancel	\$81.00
S-B-L 250.13-4-7		144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$81.00	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$81.00

CANCEL - CLERICAL ERROR, THE FOOTAGE ON THE ERIE COUNTY SEWER TAX SHOULD BE ZERO NOT 135 FEET. RPTL 550(2)E

FISCAL YEAR 2006	Petition No.	206111	
	ASSESSOR	Cancel	\$15.02
S-B-L 555.00-15-1		144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15.02	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$15.02

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY NEW YORK STATE THRUWAY AUTHORITY AND IS WHOLLY EXEMPT. THIS BELONGS IN ROLL SECTION 8 ON THE TAX ROLL. RPTL 550(7)A

FISCAL YEAR 2006	Petition No.	206112	
	ASSESSOR	Cancel	\$33.71
S-B-L 555.00-15-2		144489 EVANS	
	Acct. No. 112	\$0.00	County

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ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigate the validity of such applications (see attached listing)

NOW, THEREFORE BE IT,

RESOLVED, that petitions numbered **206126** through **206127** inclusive be hereby denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2003	Petition No.	206,126.00	
	ASSESSOR Refund	\$20.25	
S-B-L 250.13-4-7	144489 EVANS		
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$20.25	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$20.25	

REFUND - CLERICAL ERROR. THE FOOTAGE CHARGED FOR ERIE COUNTY SEWER TAX

SHOULD BE ZERO NOT 135 FEET. RPTL 550(2)E

CHECK FOR: JEANE MACKO

(5-0)

DEMONE A. SMITH
CHAIRMAN

Item 21 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

MARCH 9, 2006

HUMAN SERVICES COMMITTEE
 REPORT NO. 3

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

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a. COMM. 5E-2 (2006)
COMPTROLLER: Use of HEAP Employees at State of County
(3-0)

2. COMM. 5E-19 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds in the State Pharmaceutical Assistance Program (SPAP) grant for the period October 1, 2005 to September 30, 2006, and

WHEREAS, the Department of Senior Services (Department) received notice from the New York State Office for Aging of an additional \$152,989 in SPAP funds, and

WHEREAS, the goal of the SPAP grant is to maximize participation of EPIC enrollees in the new Medicare prescription drug coverage while maintaining or improving their current level of benefits, and

WHEREAS, the Department desires to use the SPAP funds to encourage EPIC enrollees to consider joining the new Medicare prescription drug program; to assist low-income EPIC enrollees in applying for the low income subsidy (LIS); and to educate and assist EPIC enrollees in selecting and enrolling in a Medicare prescription drug plan and in coordinating those benefits, and

WHEREAS, the Department desires to contract with Legal Services for the Elderly, Disabled and Disadvantaged to provide legal assistance to seniors encountering problems with participation in Medicare Part-D, and

WHEREAS, the Department desires to transfer the part time Coordinator of Volunteer Training -Senior Services position (no. 51001876) from the Long Term Care Insurance Education Outreach Program(LTCIEOP) grant to the SPAP grant, effective April 1, 2006, and a Senior Case Manager position (no.8171) from the EISEP grant to the SPAP grant, effective January 1, 2006, and

WHEREAS, the Department desires to create a Coordinator of Community Partnership Development, Job group IX in the SPAP grant, effective April 1, 2006, to plan and coordinate outreach activities to educate persons 60+ about Medicare options, and

WHEREAS, these positions are reflected in the SAP system on B-100 position authorization forms, Control numbers-#1866-Coordinator Volunteer Training-LTCIEOP-SPAP(Long Term Care Insurance Education Outreach Program-State Pharmaceutical Assistance Program), #1867-Senior Case Manager-EISEP-SPAP(Expanded In-Home Services for the Elderly Program-State Pharmaceutical Assistance Program and #1868-Coorinator of Community Partnership Development Project Coordinator-Special Events, and

WHEREAS, the SPAP grant budget needs to be revised in order to achieve this goal, and

WHEREAS, no County funds are required.

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ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the additional SPAP funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and hereby is authorized to contract with Legal Services for the Elderly for the amount detailed herein, effective March 1, 2006, and be it further

RESOLVED, that the personnel adjustments specified previously in this resolution are hereby authorized, and be it further

RESOLVED, that the budget for the SPAP grant, 163SPAP0506, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$167,517	\$152,989	\$320,506
	TOTAL REVENUE	<u>\$167,517</u>	<u>\$152,989</u>	<u>\$320,506</u>
APPROPRIATIONS				
500000	Full Time Salaries	\$97,851	\$53,169	\$151,020
502000	Fringe Benefits	39,141	21,209	60,350
505000	Office Supplies	2,500	1,000	3,500
510000	Local Mileage	3,000	4,000	7,000
510100	Out of Area Travel	1,000	1,000	2,000
510200	Training & Education	3,189	-3,189	0
516010	Contractual-Legal Services	0	25,000	25,000
516020	Professional Services	9,525	12,800	22,325
530000	Other Expenses	4,000	8,000	12,000
561411	Motor Vehicles	0	30,000	30,000
	TOTAL APPROPRIATIONS	<u>\$160,206</u>	<u>\$152,989</u>	<u>\$313,195</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Law and the Department of Senior Services.

(3-0)

3. COMM. 5E-29 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services (Department) contracts with various communities/agencies to provide transportation for senior citizens, and provides a 12-passenger van

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to each of these communities/agencies to provide this service as part of the Going Places Senior Transportation System, and

WHEREAS, the various communities/agencies are responsible for the upkeep and operation of the vans, and the Department is responsible for dispatching, and

WHEREAS, title to the vehicles is retained by the County of Erie, and

WHEREAS, the Department of Senior Services wishes to contract with the Towns of Evans and Cheektowaga to enable them to continue to provide needed transportation services to seniors in Erie County and to provide each town with a 12-passenger van to carry out this service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into contracts with the Towns of Evans and Cheektowaga for providing a 12-passenger van from our existing fleet to provide transportation services to seniors in Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Law and the Department of Senior Services.

(3-0)

4. COMM. 5E-30 (2006)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been the recipient of a special grant award for Medicaid Managed Care programming from New York State for the last fifteen years, and

WHEREAS, the State budget now in effect eliminates the special grant and funds the managed care function as an administrative expense as a part of the Medicaid cap at no additional local share cost, and

WHEREAS, the Department therefore wishes to properly reflect the budget and reimbursement claim of the managed care function with technical accounting changes in the grant and operating budgets, and

WHEREAS, the Department recommends transfer of (5) staff positions along with related overtime, fringe benefits, travel and other expense from the grant fund to the operating fund, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Social Services, Department 120, Fund 110

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<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full Time Salaries	\$147,366
501000	Overtime	19,000
502000	Fringe Benefits	58,946
510100	Out of Area Travel	5,000
912000	DSS Interfund Revenue	<u>6,000</u>
	Total Expenditure	<u>\$236,312</u>
409000	State Aid Revenues	\$236,312
	Total Revenue	<u>\$236,312</u>

Department of Social Services, Department 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>(DECREASE)</u>
500000	Full Time Salaries	\$(147,366)
501000	Overtime	(19,000)
502000	Fringe Benefits	(58,946)
510100	Out of Area Travel	(5,000)
912000	ID Dept Social Services	<u>(6,000)</u>
	Total Expenditure	<u>\$(236,312)</u>
409000	State Aid Revenues	\$(236,312)
	Total Revenue	<u>\$(236,312)</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.
 (3-0)

5. COMM. 5E-31 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking authorization to receive and contract for an extension of a current special State grant award in the amount of \$88,296 from the Division of Criminal Justice Services, and

WHEREAS, this award is to fund the extension of a current grant and an increase to an existing contract with the Boys and Girls Clubs of Buffalo, and

WHEREAS, the Boys and Girls Clubs of Buffalo is designated for the contract extension and increase by the State as the provider of the West Side Delinquency Prevention program, and

WHEREAS, this program is fully funded with a combination of State funds and in-kind services contributed by the Boys and Girls Club of Buffalo, and

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WHEREAS, there is no local share, and there is no fiscal impact to the 2006 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to execute or amend agreements with the New York State Division of Criminal Justice Services and the Boys and Girls Clubs of Buffalo, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2006 Adopted Budget:

Department of Social Services, Grant 120WSIDEDELINQ0506

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Boys and Girls Clubs of Buffalo	<u>\$88,296</u>
	Total Expenditures	<u>\$88,296</u>
409000	State Aid	<u>\$88,296</u>
	Total Revenues	<u>\$88,296</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(3-0)

THOMAS J. MAZUR
CHAIRMAN

Item 22 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

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MARCH 9, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 4

ALL MEMBERS PRESENT EXCEPT FOR LEGISLATOR MILLS.

1. COMM. 5E-26 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has need for the services of an experienced consultant with knowledge of systems currently used in Erie County, specifically Computer Aided Dispatch, Public Safety Record Management Systems, and Mobile Computing to assist the Erie County Department of Central Police Services in the continuing development of various Urban Area Security Initiatives. These systems are specific to Homeland Security and Public Safety and include Law Enforcement Software, Juvenile Justice Systems enhancements and E-911 interface programming related to the completion of Phase II Wireless Implementation, and

WHEREAS, the Contractor is the consultant who developed the CHARMS, Mobile Computing, and Juvenile Justice Systems with the Department for Central Police Services, used by all Law Enforcement and other agencies in Erie County, and

WHEREAS, sufficient funds are available in the Department's Federally Funded Urban Area Security Initiatives Account, and

WHEREAS, EM Systems has provided software development services to Central Police Services under an agreement which commenced in May, 2001 and was awarded a Bid Award for programming and consultant services under Bid No. 230730-P.

NOW, THEREFORE BE IT

RESOLVED, that the Department of Central Police Services shall be authorized to issue Purchase Orders to EM Systems, Inc. under Bid Number 230730-P for an amount not to exceed \$600,000 to further the development of Public Safety Software and Systems, and be it further

RESOLVED, that the consultant and professional services provided by EM Systems, Inc. will be funded from:

UASI Grant (HS165UASIF30305)		
Account #516020	Professional Service Contracts and Fees	\$600,000

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Office of the County Comptroller, the Commissioner of Central Police Services and the Director of Budget, Management and Finance.

(4-0)

2. COMM. 5E-32 (2006)
COUNTY EXECUTIVE

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MARCH 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, an All-Hazard Mitigation Plan has been written for Erie County and its 44 municipalities, and

WHEREAS, this plan was written, in conjunction with all 44 participating municipalities in Erie County, and

WHEREAS, this Erie County All-Hazard Mitigation Plan needs approval by this Honorable Legislature in order to submit it to the Federal Emergency Management Agency (FEMA), along with the other 44 municipal resolutions, and

WHEREAS, this plan will allow Erie County, and its 44 municipalities to receive funding after a disaster or for mitigation purposes.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Public Safety/Emergency Services – Disaster Preparedness Division, is hereby authorized to receive a resolution from this Honorable Erie County Legislature to forward, along with the other 44 municipalities' resolutions, to the Federal Emergency Management Agency (FEMA), so the plan can be completely approved, and be it further

RESOLVED, that the All-Hazard Mitigation Plan will allow Erie County and its 44 municipalities to receive funding from FEMA, as a result of a federally declared disaster, and/or for mitigation aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance; the Office of the Comptroller; and the Department of Public Safety/Emergency Services-Disaster Preparedness Division.
 (4-0)

DANIEL M. KOZUB
CHAIRPERSON

Item 23 – MR. LOUGHRAN presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

MARCH 9, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed.

MEETING NO. 6
MARCH 16, 2006

ERIE COUNTY LEGISLATURE

- a. COMM. 32E-8 (2006)
COUNTY EXECUTIVE: Parks, Recreation & Forestry - Recreational Event Funding Report
 (3-0) Legislator Kozub not present.
- b. COMM. 5E-22 (2006)
COUNTY EXECUTIVE: ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-D - Change Order No. 1
 (3-0) Legislator Kozub not present.
- c. COMM. 5E-23 (2006)
COUNTY EXECUTIVE: ECSD No. 6/ STSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 5
 (3-0) Legislator Kozub not present.

2. INTRO 4-1 (2006) **AS AMENDED**
LOUGHRAN

WHEREAS, Erie County has a continuing need to monitor and limit its discretionary spending in an effort to insure that all vital and mandated services are provided to the residents of Erie County without adversely affecting the County's 2006 budget and insuring that the 2006 budget remains balanced; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has requested authorization to spend \$60,000.00 (Comm. 32E-8) for the funding of certain activities; and

WHEREAS, the programs and activities for which the Department seeks to fund are discretionary services provided to residents of Erie County and are not required by local, state or federal law; and

WHEREAS, Erie County has a large number of civic, community, and not-for-profit organizations in our community who could serve as partners with the County in providing these services to the community; and

WHEREAS, the Erie County Legislature is committed to identifying alternative methods of providing discretionary services to Erie County residents in the most effective and cost-efficient manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Erie County Department of Parks, Recreation and Forestry to seek partners from the private sector to assist the Department with the provision of discretionary services for the residents of Erie County, and be it further

RESOLVED, that the Department of Parks, Recreation, and Forestry shall notify the Legislature of its efforts to develop this public-private partnership for the provision of these discretionary services on a monthly basis in writing to the Legislature's Energy & Environment Committee, and be it further

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RESOLVED, that certified copies of this resolution be provided to the County Executive, the County Attorney and the Commissioner of Parks, Recreation and Forestry.
 (3-0) Legislator Kozub not present.

2. COMM. 5E-17 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Board of Managers for Erie County Sewer District #5 to replace Charles Alessi who has resigned:

Name and Address

Term Expiration

Mr. Michael Quinn, P.E.
 Assistant Deputy Commissioner
 95 Franklin Street, 10th Floor
 Buffalo, New York 14202

December 31, 2007

(3-0) Legislator Kozub not present.

3. COMM. 5E-20 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to complete a real-time, web-based wireless flow monitoring and online flow model project in Erie County Sewer District No. 1; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended the firm of GEOTivity Incorporated, 801 Dalton Road, Kelowna, British Columbia, Canada V1X 7X3.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of GEOTivity Incorporated, be retained at a cost not-to-exceed \$100,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of GEOTivity Incorporated, 801 Dalton Road, Kelowna, British Columbia, Canada V1X 7X3, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate \$100,000.00 from Erie County Sewer District No. 1 Capital Account C.00057; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Mark C. Poloncarz, County Comptroller, one copy to Kenneth Vetter,

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ERIE COUNTY LEGISLATURE

Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney.

(3-0) Legislator Kozub not present.

4. COMM. 5E-21 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to complete a real-time, web-based wireless flow monitoring and online flow model project in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended the firm of CRA Infrastructure & Engineering, Inc, 268 Main Street, Suite 600, Buffalo, NY 14202.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of CRA Infrastructure & Engineering, Inc., be retained at a cost not-to-exceed \$100,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of CRA Infrastructure & Engineering, Inc, 268 Main Street, Suite 600, Buffalo, NY 14202, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate \$100,000.00 from Erie County Sewer District No. 6 Capital Account C.00064; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Mark C. Poloncarz, County Comptroller, one copy to Kenneth Vetter, Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney.

(3-0) Legislator Kozub not present.

5. COMM. 5E-24 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Donald Gallo Consulting Engineer, P.C. to provide construction inspection services throughout Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated June 16, 2001 with Donald Gallo Consulting Engineer, P.C., in the amount of \$233,090.53.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated June 16, 2001 between Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency and Donald Gallo Consulting Engineer, P.C., be formally closed-out in the final amount of \$233,090.53; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the various Sewer Capital Accounts, between Erie County Sewer District Nos. 1-6 and Southtowns Sewage Treatment Agency and Donald Gallo Consulting Engineer, P.C.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; and one (1) certified copy each Joel Giambra, County Executive; Ken Vetter, Director of Budget and Management; Mark C. Poloncarz Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(3-0) Legislator Kozub not present.

6. COMM. 5E-25 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Southtowns Sewage Treatment Agency was issued a 25 year easement for its 66-inch diameter outfall pipe into Lake Erie by the New York Office of General Services, as recorded in the Department of State, Volume 21 of Miscellaneous Deeds and Title Papers at Page 692; and

WHEREAS, the existing easement term was extended to December 1, 2053; and

WHEREAS, the outfall pipe must be extended an additional 1,000 feet into the lake; and

WHEREAS, an additional 1,000 feet of easement is required.

NOW, THEREFORE, BE IT

RESOLVED, that an application to request an additional easement be made to the New York Office of General Services for the longest term allowable; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the New York Office of General Services, care of Thomas A. Pohl, Senior Attorney, Office of General Services, Mayor Erastus Corning 2nd Tower, Albany, New York 12242; one certified copy of this Resolution to County Executive, Joel Giambra; two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Gregory Dudek, Assistant County Attorney.

(3-0) Legislator Kozub not present.

7. COMM. 5E-36 (2006)

COUNTY EXECUTIVE

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ERIE COUNTY LEGISLATURE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, on behalf of the Erie County Sewer Districts, has been requested to consider merger of wastewater services with several Erie County communities that currently provide service to their ratepayers independently; and

WHEREAS, the effects and feasibility of these mergers will be evaluated by retaining a consultant; and

WHEREAS, costs will be incurred to complete these studies; and

WHEREAS, these costs may be shared between the County Sewer Districts and the interested municipalities; and

WHEREAS, intermunicipal agreements are necessary to allow for the Erie County Sewer Districts and the interested municipalities to share the study costs.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to execute intermunicipal agreements between the County of Erie, on behalf of the Erie County Sewer Districts, and each interested municipality, subject to approval as to content by the Commissioner of the Department of Environment & Planning, and approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive, Marc Polancarz, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Kenneth Vetter, Director of Budget, Management and Finance.
 (3-0) Legislator Kozub not present.

THOMAS J. LOUGHRAN
CHAIRMAN

Item 24 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

MARCH 9, 2006

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

ALL ITEMS ARE HEREBY TABLED.

**MICHELE M. IANNELLO
CHAIRPERSON**

LEGISLATOR RESOLUTIONS

Item 25 – CHAIRMAN MARINELLI directed the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

INTRO 6-1 from WEINSTEIN, KONST, LOCKLEAR & MILLS Re: Reinstating a Prenatal and Early Childhood Home Visitation Program to Prevent Violence and Anti-Social Behavior

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Notice of Proposal for the 8-Year Review of the Marilla Agricultural District (INTRO 6-2)

**A RESOLUTION SUBMITTED BY
LEGISLATORS KONST AND REYNOLDS**

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Marilla Agricultural District (EC #5) which was created in 1973 and recertified every 8 years thereafter in 1981, 1989, and 1997; and

WHEREAS, a copy of the agricultural district map containing these districts is on file in the County Clerk's Office and the Marilla Town Hall.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural districts, that notice be posted in a least five conspicuous places within the district, and that notice also be sent to the affected municipality, being the Town of Marilla; and be it further

RESOLVED, that after this 30-day period, the Legislature hereby directs the Clerk to refer the agricultural district to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning, and the Town of Marilla Supervisor and Town Clerk.

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Item 27 – CHAIRMAN MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 6-3 from WEINSTEIN, RANZENHOFER & MILLS Re: 2006 Legislature Technical Amendments

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

MS. IANNELLO moved to send the item to Committee. MS. LOCKLEAR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, WEINSTEIN, HOLT, IANNELLO, KONST, LOCKLEAR, LOUGHRAN and REYNOLDS. NOES: RANZENHOFER, KENNEDY, KOZUB, MARINELLI, MAZUR, SMITH and WHYTE. (AYES: 8, NOES:7)

CARRIED.

CHAIRMAN MARINELLI directed the item be sent to the FINANCE & MANAGEMENT COMMITTEE.

INTRO 6-4 from MARINELLI Re: 2006 Legislature Technical Amendments

Item 29 – MS. LOCKLEAR moved to send Intro 6-5 to Committee. MS. KONST seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: RANZENHOFER, KONST and LOCKLEAR. NOES: MILLS, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 3, NOES: 12)

FAILED.

MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded. MS. LOCKLEAR voted in the negative.

CARRIED.

RESOLUTION NO. 80

RE: Legislature Appointment to the Western
 Region Off-Track Betting Board (INTRO 6-5)

A RESOLUTION TO BE SUBMITTED BY
 LEGISLATOR MARINELLI

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MARCH 16, 2006

ERIE COUNTY LEGISLATURE

WHEREAS, the State of New York formed the Western Regional Off-Track Betting Corporation as a public benefit corporation on May 16, 1973, and

WHEREAS, the governing body of the Western Region Board of Directors consist of 17 members, one from each of the 15 participating counties and one from the Cities of Buffalo and Rochester, and

WHEREAS, as a participating county of the Western Regional Off-Track Betting Corporation the Erie County Legislature has the authority to make an appointment to the Board of Directors, and

WHEREAS, the Erie County Legislature does hereby appoint Anthony Orsini, 6140 Genesee Road, Springville, New York 14141 as the Erie County representative to the Western Regional Off-Track Betting Corporation Board of Directors.

NOW, THEREFORE, BE IT

RESOLVED, that Anthony Orsini is appointed as the Erie County representative to the Erie County Western Regional Off-Track Betting Corporation, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Chairman of the Board of Directors of the Western Regional Off-Track Betting Corporation and Mr. Anthony Orsini.

MR. WEINSTEIN moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and REPLACE with the following:

WHEREAS, the State of New York formed the Western Regional Off-Track Betting Corporation as a public benefit corporation on May 16, 1973, and

WHEREAS, the governing body of the Western Region Board of Directors consist of 17 members, one from each of the 15 participating counties and one from the Cities of Buffalo and Rochester, and

WHEREAS, as a participating county of the Western Regional Off-Track Betting Corporation the Erie County Legislature has the authority to make an appointment to the Board of Directors, and

WHEREAS, the Erie County Legislature does hereby appoint Anthony Orsini, 6140 Genesee Road, Springville, New York 14141 as the Erie County representative to the Western Regional Off-Track Betting Corporation Board of Directors.

NOW, THEREFORE, BE IT

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ERIE COUNTY LEGISLATURE

RESOLVED, that Anthony Orsini is appointed as the Erie County representative to the Erie County Western Regional Off-Track Betting Corporation effective April 30, 2006, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Chairman of the Board of Directors of the Western Regional Off-Track Betting Corporation and Mr. Anthony Orsini.

MS. WHYTE moved for approval of the item. MR. REYNOLDS seconded. MS. LOCKLEAR voted in the negative.

CARRIED.

Item 30 – MR. HOLT moved to reconsider sending Intro 6-4 to Committee. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

On the motion to send the item to committee, CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, IANNELLO, KONST and LOCKLEAR.
 NOES: HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 6, NOES: 9)

FAILED.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: IANNELLO, KONST and LOCKLEAR. (AYES: 12, NOES: 3)

CARRIED.

RESOLUTION NO. 81

RE: 2006 Legislature Technical Amendments
 (INTRO 6-4)

A RESOLUTION TO BE SUBMITTED BY
 LEGISLATOR MARINELLI

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2006 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006:

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EFFECTIVE MARCH 20, 2006

Fund Center 100, Cost Center 1003030 Majority

DELETE (1) Jr. Admin Assist Leg Position # 5277

ADD (1) Senior Admin Clerk Leg with a variable minimum JG 9 Step 5
 and be it further,

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, County Attorney, and Comptroller.

Item 31 – CHAIRMAN MARINELLI directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 6-6 from MARINELLI, WHYTE, KENNEDY, REYNOLDS, LOUGHRAN, HOLT, LOCKLEAR & MAZUR Re: Elimination of Toll-Booths

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Take-Home Vehicles (INTRO 6-7)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS MARINELLI, WHYTE, KENNEDY,
 REYNOLDS, LOUGHRAN, KONST, IANNELLO and LOCKLEAR**

WHEREAS, this honorable body passed the Accountability and Oversight Act of 2005 Intro. 2-2 (2005) which demanded, among other things, that the County Executive produce a written policy governing the use of County owned automobiles which are used by employees on a 24-hour basis; and

WHEREAS, the County Executive never produced a written policy governing the use of 24-hour vehicles and the County Legislature responded by reducing numerous vehicles from the 2006 budget; and

WHEREAS, the Accountability and Oversight Act of 2005 requires that the County Executive produce a list of County owned vehicles used on a 24-hour basis and that this list was received on March 9, 2006; and

WHEREAS, there is also no official policy governing the use of vehicles in the County pool.

NOW, THEREFORE, BE IT

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RESOLVED, this honorable body requests that by April 25, 2006 11:00 AM the County Executive submit to the Legislature its policy and the criteria used for determining who has access to 24-hour take-home for review by the Legislature; and be it further

RESOLVED, the Director of Fleet Services appear at an upcoming meeting of the Government Affairs Committee to discuss the policy and the criteria used for determining who has access to 24-hour vehicles; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive and the Director of Fleet Services.

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: DPW Savings for Winter 2005-06 (INTRO 6-8)

**A RESOLUTION TO BE SUBMITTED BY
 LEGISLATORS KENNEDY, KONST, WHYTE, LOCKLEAR, MARINELLI,
 REYNOLDS, LOUGHRAN, MAZUR, IANNELLO & HOLT**

WHEREAS, in 2005 the Erie County Legislature adopted the Four Year Plan, submitted by County Executive Joel A. Giambra; and

WHEREAS, the Four Year Plan included 159 Matrix Initiative items which were created in order to produce approximately \$100 million in savings; and

WHEREAS, the Matrix Initiative # 140 was initiated to reduce the number of snowplow drivers from a two-man team to a one-man team; and

WHEREAS, the reduction of the additional snowplow driver was projected to reduce county spending by \$2.5 million in fiscal year 2006; and

WHEREAS, the Western New York had one of the mildest winters in memory, in which very little snow fell; and

WHEREAS, Erie County usually spends a significant amount of resources purchasing salt to melt ice on County roads; and,

WHEREAS, due to the mild weather Erie County should realize significant financial savings in both personnel hours and cost of salt.

NOW, THEREFORE, BE IT

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RESOLVED, the Erie County Legislature hereby requests a comprehensive written breakdown of all savings that Erie County realized during the mild winter of 2005-2006, which will include, but not limited to: funds saved by reduced use of salt, funds saved by outsourcing plowing to local towns, and funds saved by reducing the work force from two-man plowing to one-man plowing; and be it further

RESOLVED, the Commissioner of the Department of Public Works will disclose any other savings produced during the winter of 2005-2006 to the Erie County Legislature.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: State Funding to Mitigate Revenue Loss
 Caused by Sales Tax Sharing (INTRO 6-9)

WHEREAS, the members New York State Legislature pledged, on February 2, 2006, to offset the \$12.5 million negative financial impact of sales tax “sharing” through increased State funding or State action to mitigate Erie County’s revenue loss; and

WHEREAS, on March 10, 2006, Lynn Marinelli, Chair of the Erie County Legislature, Mark Poloncarz, Erie County Comptroller, and Joel A. Giambra, Erie County Executive, sent a joint letter to Paul A. Tokasz, Assembly Majority Leader advancing three proposals for State actions to mitigate the County’s revenue loss; and

WHEREAS, the March 10, 2006, letter requests additional financial aid to the Niagara Frontier Transportation Authority to assist our locality in its vital transportation needs; and

WHEREAS, the March 10, 2006, letter amplifies the resolution Intro 5-12 (2006) passed unanimously by this body on March 2, 2006 which recognizes that our cultural institutions are important regional assets and requests that the State provide \$6 million in financial aid; and

WHEREAS, the March 10, 2006, letter requests \$7 million in State financial aid to develop a pilot program designed to divert mentally ill inmates, charged with minor offenses, from the Erie County Holding Center to community based residential and day treatment centers.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests that the State of New York provide funding of up to \$15.8 million to assist the Niagara Frontier Transportation Authority which provides vital transportation services to our region; and be it further

RESOLVED, the Erie County Legislature requests that the State of New York provide financial aid of \$6 million to regional cultural assets and human services providers; and be it further

RESOLVED, the Erie County Legislature requests that the State of New York fund a pilot project in the amount of \$7 million to divert mentally ill inmates from the County Holding Center to community based treatment centers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Delegation of the State Legislature, the Governor, County Executive, and Comptroller.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: In Support of State Legislation (A.04987
and S.04418) (INTRO 6-10)

A RESOLUTION TO BE INTRODUCED BY
 LEGISLATORS KONST, HOLT, MARINELLI, REYNOLDS, LOUGHRAN,
 WHYTE, SMITH, LOCKLEAR, MAZUR & IANNELLO

WHEREAS, Erie County houses paroled, post-release supervised or conditionally released persons who have violated the conditions of their parole or release; and

WHEREAS, New York State mandates Erie County provide these services and reimburses Erie County at a rate not to exceed \$40 per day per person to provide this service; and

WHEREAS, Erie County's incurred expenses are much greater than \$40 per day per person;
and

WHEREAS, Erie County loses a large amount of money in providing this mandated service;
and

WHEREAS, bills have been introduced in the New York State Assembly and Senate (A.04987 and S.04418) that would have New York State reimburse localities, like Erie County, the actual cost of providing this services, and

WHEREAS, New York State is projected to have a \$4 Billion Surplus this year; and

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WHEREAS, it would be a prudent use of this surplus to reimburse localities, including Erie County, the actual cost incurred in providing mandated State services, such as the above mentioned. The reduction in State mandates would enable localities to better control local property tax levies.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby support the efforts of Assembly Member Sam Hoyt and Senator Dale Volker for introducing legislation to reimburse localities, including Erie County, for the actual expenses incurred in providing the aforementioned services; and be it further,

RESOLVED, this honorable body calls upon the State Legislature to pass A.04987 and S.04418; and be it further,

RESOLVED, that certified copies of the resolution be forwarded to Governor Pataki, the Erie County delegation to the New York State Legislature, ECFSA and County Executive Giambra.

MS. WHYTE moved to amend the item by attaching the aforementioned legislation. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

A00498 Summary:

BILL NO A00498

SAME AS No same as

SPONSOR Koon

COSPNSR Hooper, Ortiz, Seddio, Colton, Aubertine, Abbate

MLTSPNSR DelMonte, Dinowitz, Galef, Lafayette, Lavelle, Rivera P, Robinson,
 Sanders, Schimminger, Weisenberg

Amd S380.50, CP L

Provides that, where the victim is unable or unwilling to appear, such victim may be represented by family members or a guardian at the time of sentencing.

A00498 Actions:

BILL NO A00498

01/12/2005 referred to codes

01/04/2006 referred to codes

A00498 Votes:**A00498 Memo:**

BILL NUMBER: A498

TITLE OF BILL : An act to amend the criminal procedure law, in relation to the presence at time of sentencing of victim representation

PURPOSE OR GENERAL IDEA OF BILL :

This bill would permit additional members of a victims` family to speak at the sentencing phase of a criminal proceeding.

SUMMARY OF SPECIFIC PROVISIONS :

Section 1: Amends Criminal Procedure law section 380.50 to permit more than one member of a victims` family the opportunity to make a statement at the sentencing phase of a criminal proceeding in the event the victim is deceased, physically or mentally incapacitated or otherwise unable to express herself or himself before the court. This amendment expands the list of family members able to speak at sentencing to include the spouse, domestic partner, parents, grandparents, children, grandchildren, siblings, aunts and uncles.

Section 2 states the effective date.

JUSTIFICATION :

Every year, millions of Americans fall victim to crime. Recent reports inform us that nearly seven in ten New Yorkers will be a crime victim at some point in their lives. Crime and the threat of violence exact an overwhelming toll on individuals, families and communities. Through no design of their own, victims` lives are -- often violently and permanently -- changed for the worse. Physical and psychological damage, financial loss, fear, and the destruction of our families are the by-products of crime. The fallout from crime goes beyond the individual victim, as well. Families should be permitted to express the changes that they have endured.

Current law only allows a single victim impact statement at the time of sentencing for a criminal. This bill would remove this limitation and permit the family of a victim to testify on how the criminal act affected their life and the life of the victim. Many times, the ability for the family to speak at sentencing continues to help the healing process. This bill would allow a victims` family members to articulate how the crime had affected their lives.

PRIOR LEGISLATIVE HISTORY :

2003-04: a.8491

FISCAL IMPLICATIONS : None.

EFFECTIVE DATE :

This act shall take effect immediately.

MR. RANZENHOFER moved to amend the item for Et Al Sponsorship. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Parks Employees (INTRO 6-11)

**A RESOLUTION SUBMITTED BY
 LEGISLATOR LOUGHRAN**

MR. RANZENHOFER moved to send the item to committee. MS. LOCKLEAR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. NOES: MILLS, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. (AYES: 4, NOES: 11)

FAILED.

MS. WHYTE moved to amend the item by attaching the following resolution. MR. LOUGHRAN seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. (AYES: 11, NOES: 4)

CARRIED.

WHEREAS, the 2006 Erie County Budget eliminated 26 permanent Park Maintenance Worker positions, and

WHEREAS, the 2006 Erie County Budget contains an appropriation of 501,681 dollars (fund center 16410, account 500020) for regular part time wages; and, an appropriation of 152,260 dollars (fund center 16410, account 500030) for seasonal employee wages; and, an appropriation of 59,580 dollars (fund center 16410, account 500010) for part time wages, and

WHEREAS, the substitution of RPT employees for permanent Park Maintenance Worker positions is in violation of the AFSCME negotiated Collective Bargaining Agreement Article II Number (3), Number (4), and Number (5), and

WHEREAS, the good faith implementation of the AFSCME Collective Bargaining Agreement is essential in order to avoid the costs of a court ordered remedy of a contract violation, and

WHEREAS, the total of the appropriations itemized in the above text is 813,521 dollars and is a sum large enough to fund most if not all of the permanent Park Maintenance Worker positions previously eliminated, and

WHEREAS, it is the commitment of the Erie County Legislature to exercise strict budget discipline.

NOW, THEREFORE, BE IT

RESOLVED, the sum of money (813,521 dollars) identified in the above text be used to restore as many of the eliminated Park Maintenance Worker positions as it will fund, and be it further

RESOLVED, that the Personnel and Parks Departments report to the Legislature details relative to the full implementation of this resolution.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZENHOFER, WEINSTEIN, KONST and LOCKLEAR. (AYES: 11, NOES: 4)

CARRIED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

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Item 37 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro 3-3. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Ad Hoc Committee on Personnel Request
(INTRO 3-3)

WHEREAS, the 2005 Erie County Budget, as amended and adopted by the County Legislature provided for 6,275 positions in Erie County Government, and

WHEREAS, due to the fiscal crisis of 2005, at a legislative meeting dated February 14, 2005, 1,532 county positions were eliminated from the county budget, and

WHEREAS, during the course of the year 2005, salary and wage costs soared and numerous new positions were added to the County payroll, and

WHEREAS, the 2006 Erie County Budget, as amended and adopted by the County Legislature, provided for 5,038 positions in Erie County Government, and

WHEREAS, presently, county job requests are handled in a decentralized, and department-by-department manner, and

WHEREAS, new job requests from the Administration are an on going activity that demands tracking and rationalization and no particular legislative committee is responsible for reviewing and taking requests for new positions.

NOW, THEREFORE, BE IT

RESOLVED, that Rule 3.02 of the Erie County Legislature is hereby amended to add an “Ad Hoc Committee on Personnel Requests” to the Legislature’s list of committees; and Ad Hoc Committee shall be responsible for reviewing and making recommendations on both county and grant funded positions which are proposed by the administration, and be it further

RESOLVED, that the Chairman of the Erie County Legislature is hereby authorized to appoint two Minority Legislators and three Majority Legislators to the Ad Hoc Committee on County Personnel Request, and be it further

RESOLVED, that upon the adoption of this resolution the Clerk of the Erie County Legislature shall inform all county elected officials and county department heads of the following informational requirements which must be adhered to when preparing a personnel request which is submitted to the Legislature for consideration.

For each full time position which is proposed, the resolution shall state:

- the position’s job group, salary step and annual salary;
- the proposed position’s fiscal impact on the budget for the remaining portion of the fiscal year;

- the county's share of the cost of the position; all fringe benefit costs associated with this proposed position;
- and information describing whether the position will be filled from a Civil Service preferred list, or in the event that the proposed position has no preferred list, will this position be filled from a Civil Service eligible list?

For each part time, regular part-timers or seasonal positions which are proposed for creation, the resolution shall state:

- the position's job group;
- the number of hours to be worked;
- the hourly wage;
- the county's share of the cost of the position;
- the manner in which the position will be filled;
- and all fringe benefit costs associated with this position, if any

For each proposed salary adjustment, the cost of the upgrade and the change in the position's job group and salary step shall be fully described;

All sources of funding for any proposed position shall be identified with DAC codes; and be it further

RESOLVED, that upon the adoption of this resolution the Clerk of the Erie County Legislature shall notify all county elected officials and all department heads of the following reporting requirements to be submitted to the Budget Director for consolidation into a single County-Wide Personnel Report to the Legislature for referral to the Government Affairs Committee

Within 2 weeks of the adoption of this resolution each county elected official and each department head shall prepare a spreadsheet identifying each department's personnel as initially projected in the 2005 Erie County Budget, as amended and adopted; the actual impact of the elimination of 1,189 jobs; and each and every position that has been added or eliminated by department, title, job group, step funding source and salary, since March 3, 2005 through the date of adoption of this resolution.

Thereafter, every 90 days the Budget Director shall prepare and submit to the Legislature an updated County Wide Personnel Report, identifying all personnel adjustments that have occurred in the prior 90 day period and further summarizing all current positions, whether filled and unfilled, as a running total.

And be it further

RESOLVED, the certified copies of this resolution be forwarded to all county department heads and county elected officials.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

DELETE the First (1st) and Second (2nd) RESOLVED clauses and REPLACE with the following:

RESOLVED, that the Erie County Legislature directs that all job requests be directed to the Government Affairs Committee of the Legislature, and be it further

RESOLVED, that the Government Affairs Committee shall be responsible for review and making recommendations on both county and grant funded positions which are proposed by the administration, and be it further

DELETE the Fourth (4th) RESOLVED clause and REPLACE with the following:

RESOLVED, that upon the adoption of this resolution the Clerk of the Erie County Legislature shall notify all county elected officials and all department heads of the following reporting requirements to be submitted to the Budget Director for consolidation into a single County-Wide Personnel Report to the Legislature for referral to the Government Affairs Committee

Within 4 weeks of the adoption of this resolution each county elected official and each department head shall prepare a spreadsheet identifying each department's personnel as initially projected in the 2005 Erie County Budget, as amended and adopted; the actual impact of the elimination of 1,189 jobs; and each and every position that has been added or eliminated by department, title, job group, step funding source and salary, since March 3, 2005 through the date of adoption of this resolution.

Thereafter, every 30 days the Budget Director shall prepare and submit to the Legislature an updated County Wide Personnel Report, identifying all personnel adjustments that have occurred in the prior 30 day period and further summarizing all current positions, whether filled and unfilled, as a running total.

MS. WHYTE moved for the approval of the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 5E-34. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

RE: Opening of Public Safety Campus -
 Authorization to Award Bids and Enter Into
 Contracts

WHEREAS, in 2003 Erie County began construction of a new Public Safety Center which includes a new Communications Center, and

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WHEREAS, once completed this new Center will house a public safety forensic laboratory, communications, information systems, evidence and administrative services for Erie County and the City of Buffalo, and

WHEREAS, this facility has been partially occupied since October 2005, and

WHEREAS, Request for Proposals were issued by Central Police Services for

Dispatch Console Millwork

not to exceed \$480,000, source of funds Expedited Deployment Funding

HS165EXPDEP0406, account 561410 \$432,000

HS165UASIF030305, account 561410 \$ 48,000

Dispatch Console Electronics not to exceed \$1,280,807,
source of funds Expedited Deployment Funding (EDF2)

HS165EDP20406, account 561410 \$432,000

HS165UASIF030305, account 561410 \$ 48,000

HS167SHSPCOMM0305, account 561410 \$800,807

WHEREAS, with assistance from L. Robert Kimball & Associates, a six member committee consisting of representatives from Buffalo Police Department, Buffalo Fire Department, Erie County Sheriff's Department, Erie County Emergency and Emergency Medical Services and Erie County Central Police Services reviewed and evaluated the proposals submitted in accordance with Section 19.08 of the Erie County Administrative Code, and

WHEREAS, the firms of Xybix of Littleton, CO and Zetron of Redmond, WA were deemed to have submitted the best overall proposals each within their field.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to award bids and enter into contracts with:

XYBIX of Littleton, CO for Dispatch Console Millwork in an amount not to exceed \$480,000 utilizing funds as specified previously in this resolution, and

ZETRON of Redmond, WA for Emergency Dispatch Console Electronics in an amount not to exceed \$1,280,807 utilizing funds as specified previously in this resolution, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Commissioner of Central Police Services and the Director of Budget, Management and Finance.

MS. WHYTE moved for approval of the resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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Item 39 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 27E-14. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

RE: CPS - Local Enhanced Wireless 911 Program

WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 services, and

WHEREAS, Erie County will receive \$563,363 from New York State under the Local Enhanced Wireless 911 Program, and

WHEREAS, Erie County has committed to building a communications center as part of the Public Safety Campus project, and

WHEREAS, the County Executive requests that these funds be dedicated to upgrading the public safety communications network and infrastructure in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$ 563,363 and be it further

RESOLVED, that Revenues and Appropriations in Capital Project A.00254 (business area 165 CPS) be increased by \$563,363, and be it further

RESOLVED, that \$1,141,664 of State Aid revenue account 409000, currently budgeted in Capital Project A.00061 (business area 122 DPW) be transferred to Capital Project A.00254 (business area 165 CPS), and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services, Commissioner of Emergency Services, Commissioner of Public Works and the Director of Budget, Management and Finance.

MS. WHYTE moved to amend the resolution. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and REPLACE with the following:

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WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 services, and

WHEREAS, Erie County will receive \$563,363 from New York State under the Local Enhanced Wireless 911 Program, and

WHEREAS, Erie County has committed to building a communications center as part of the Public Safety Campus project, and

WHEREAS, the County Executive requests that these funds be dedicated to upgrading the public safety communications network and infrastructure in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$ 563,363 and be it further

RESOLVED, that Revenues and Appropriations in Capital Project A.00254 (business area 165 CPS) be increased by \$563,363, and be it further

RESOLVED, that \$1,141,664 of State Aid revenue account 409000, currently budgeted in Capital Project A.00061 (business area 122 DPW) be transferred to Capital Project A.00254 (business area 165 CPS), and be it further

RESOLVED, that the Revenues and Appropriations in Capital Project A.00254 (business area 165CPS) be increased by \$1,141,664, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, the Commissioner of Central Police Services, Commissioner of Public Works and the Director of Budget, Management and Finance.

MS. WHYTE moved for the approval of the item as amended. MR. KOZUB seconded. MS. IANNELLO voted in the negative.

CARRIED.

SUSPENSION OF THE RULES

Item 40 – MR. HOLT moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

INTRO 6-12 from LEGISLATOR HOLT Re: Erie County Personnel

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CHAIRMAN MARINELLI directed the item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – MR. SMITH moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

COMM. 6E-32 from LEGISLATOR SMITH Re: Erie County Charter Revision Commission Appointment

CHAIRMAN MARINELLI directed the item be Received, Filed and Printed.

March 14, 2006

Mr. Kevin Kelley
 Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

Dear Mr. Kelley:

I am writing to advise you that I am designating Mr. Gary Wojtan to be my representative on the Erie County Charter Revision Commission. This is necessary due to Craig D. Hannah's resignation from the Commission.

I am grateful for Mr. Hannah's willingness to serve on the Charter Revision Commission. His ideas and knowledge of government have been invaluable to the Commission.

I am very confident, however, that Mr. Wojtan's background, experience and commitment to our community will be an excellent addition to the Erie County Charter Revision Commission as it completes its extremely important mission.

Sincerely,

Demone A. Smith
 Legislator, 7th District

Cc: George K. Arthur
 Chairman of the Erie County Charter Revision Commission.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 42 – (COMM. 6E-1) Copy of Memo to Comptroller Re: New York State Thruway Litigation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 6E-2) Veto of Local Law. Intro No. 1-2006

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 44 – (COMM. 6E-3) Charter Revision Commission Appointment

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 45 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. HOLT seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, KOZUB, LOUGHRAN, MARINELLI, MAZUR, SMITH. NOES: IANNELLO, KENNEDY, KONST, LOCKLEAR, REYNOLDS and WHYTE. (AYES: 9, NOES:6)

CARRIED.

RESOLUTION NO. 90

RE: Office of the County Executive Variable Minimum (COMM. 6E-4)

WHEREAS, it is necessary to recruit in Job Group 16, step 5, for the position of Senior Executive Assistant, position number #8783, in order to secure and retain a qualified and experienced candidate, and

WHEREAS, this position will be responsible for media and public relations for the County Executive, and would also perform other Senior Executive Assistant Duties as necessary, and

WHEREAS, funds are available in the personal services appropriations of the County Executive's Adopted 2006 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum in Job Group 16, step 5, \$80,929 annually, position # 8783, for the position of Senior Executive Assistant, and be it further

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RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Department of Personnel, the Department of Law, and the County Executive.

Item 46 – (COMM. 6E-5) Appointment of Non-Voting Member of the Erie County Medical Center Corporation

Item 47 – (COMM. 6E-6) Appointment to the Erie County Medical Center Corporation Board of Directors

The above two items were received and referred to the HEALTH COMMITTEE.

Item 48 – (COMM. 6E-7) Appointments/Reappointments to Disaster Preparedness Advisory Board

Received, Filed and Printed.

March 14, 2006

The Honorable
 Erie County Legislature
 92 Franklin Street – 4th Floor
 Buffalo, New York 14202

RE: Appointments/Reappointments to Disaster Preparedness Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint/reappoint the following individuals to the Disaster Preparedness Advisory Board.

Appointments

<u>NAME & ADDRESS</u>	<u>TERM EXPIRATION</u>
Timothy Hopkins 125 Main Street Buffalo, New York 14203	March 1, 2008
Sharon Polarek 960 Main Street Buffalo, New York 14207	March 1, 2008
Bill Ransom 150 Erie Street Lancaster, New York 14086	March 1, 2008

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Terry Reinke
 181 Ellicott Street
 Buffalo, New York 14203
 March 1, 2008

George White
 NYS Thruway
 455 Cayuga Road, Suite 800
 Cheektowaga, New York 14225
 March 1, 2008

Reappointments

NAME & ADDRESS TERM EXPIRATION

Lynda Burey
 1490 Church Road
 Alden, New York 14004
 March 1, 2008

Donald Harder
 14 Hunters Drive
 Lancaster, New York 14086
 March 1, 2008

Michael Kerl
 Town of West Seneca
 1250 Union Road
 West Seneca, New York 14224
 March 1, 2008

Paul Kloc
 4680 Clinton Street
 West Seneca, New York 14224
 March 1, 2008

Earl Loder
 7 Greenleaf Lane
 Cheektowaga, New York 14225
 March 1, 2008

Michael Muscarella
 257 Commonwealth Avenue
 Buffalo, New York 14216
 March 1, 2008

Lucy Mysiak
 31 Autumn Lane
 Depew, New York 14043
 March 1, 2008

Brett Rider
 238 Renwood Avenue
 Kenmore, New York 14217
 March 1, 2008

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James Zymanek
 74 Orchard Street
 Williamsville, New York 14221

March 1, 2008

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: Appointees
 Deputy Commissioner Dean Messing

Item 49 – (COMM. 6E-8) Social Services - Medicaid Provider Audit Project

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 50 – (COMM. 6E-9) PILOT Agreement for Artspace Apartments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 6E-10) State Assistance Application and Contract Execution -
 Household Hazardous Waste Collection Program

Item 52 – (COMM. 6E-11) Household Hazardous Waste Collection Program

The above two items were received and referred to the ENERGY & ENVIRONMENT
 COMMITTEE

Item 53 – (COMM. 6E-12) Health - Variable Minimums

Item 54 – (COMM. 6E-13) Health - Supplemental Aid to Localities Grant - Medical
 Examiner's Toxicology Laboratory - 4/1/05 - 3/31/07

The above two items were received and referred to the HEALTH COMMITTEE.

Item 55 – (COMM. 6E-14) Social Services - Preventive Services Community Contracts

Item 56 – (COMM. 6E-15) Social Services - Adoption Incentive Award

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 57 – (COMM. 6E-16) DPW - Main Branch of the Buffalo and Erie County Library,
 Phases 1 & 2 Contingency Fund Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 58 – (COMM. 6E-17) Senior Services - Authorization to Amend the LTCIEOP and HIICAP Grants

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 59 – (COMM. 6E-18) DPW - Payment of Nichols Long Moore for Emergency Work at the Erie County Home & Infirmary

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – (COMM. 6E-19) Senior Services - Authorization to Contract with Geriatric Counseling Services Providers

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 6E-20) ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-08, Comm. 21E-33

Item 62 – (COMM. 6E-21) ECSD No. 4 - Contract No. 37 - Didion Road and Brunck Rd. - Sanitary Sewer Project - Bid Opening

Item 63 – (COMM. 6E-22) ECSD No. 2 - Contract No. 60EV - Utica Subtrunk Sanitary Sewer Project - Bid Opening

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 64 – (COMM. 6E-23) Grant Programs - Authorization to Contract

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (COMM. 6E-24) Social Services - Joan A. Male Preventive Services Contract

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 66 – (COMM. 6E-25) Veteran's Task Force

Received, Filed and Printed.

March 13, 2006

Mr. Kevin M. Kelley
Clerk
Erie County Legislature

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92 Franklin – 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

As Chair of the Erie County Legislature, I am hereby announcing the creation of the Erie County Veterans Task Force. This task force has been created in order to aid veterans as well as to discuss veteran's issues.

The Veterans Task Force will consist of:

Raymond Dusza – Chairman
Lou Palma – Vice Chair
Daniel Kozub – Member
Helen Jacob – Member
Mike Kogutek – Member
Joe Amenta – Member
Karyn Porempski – Member
Stanley Kazmierski – Member
Albert J. Smith – Member
Patrick Welch – Member
Geoffrey M. Szymanski – Clerk

Thank you in advance for your cooperation.

Sincerely,

Lynn M. Marinelli

Cc: Members of the Erie County Legislature
Members of the Erie County Veteran's Task Force

Item 67 – (COMM. 6E-26) Appointments to the Erie County Task Force on Revenue Sharing and Regional Cost Sharing

Received, Filed and Printed.

March 13, 2006

Mr. Kevin M. Kelley
Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kelley:

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In accordance with the authorization of the Imposition of the Additional 1% Sales Tax (A.6461/S.6300) and the Erie County Legislature Rules of Order 1.01 (10), I announce the following additional appointments to the Erie County Task Force on Revenue Sharing and Regional Cost Sharing.

John Mills, representing the Erie County Legislature Minority Caucus and Joseph Hogenkamp, citizen of Erie County.

Thank you in advance for your cooperation.

Sincerely,

Lynn M. Marinelli

cc. Members of the Erie County Legislature
 Members of the Erie County Task Force on Revenue Sharing and
 Regional Cost Sharing

FROM LEGISLATOR SMITH

Item 68 – (COMM. 6E-27) Notice of Finance & Management Information Meeting to be Held 3/30/06 at 9:30 AM

Received and filed.

**FROM THE COUNTY EXECUTIVE, COUNTY COMPTROLLER AND
 CHAIRMAN MARINELLI**

Item 69 – (COMM. 6E-28) Copy of Letter to Tokasz & Volker Re: 2007 Budget Gap

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 70 – (COMM. 6E-29) State Authorization to Arrange for Underwriting & Private Sale of Bonds Through Negotiated Agreement

Item 71 – (COMM. 6E-30) Bond Resolution - 2006 Revenue Anticipation Note

Item 72 – (COMM. 6E-31) Bond Resolution - 2006 Capital Program

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BOARD OF ELECTIONS

Item 73 – (COMM. 6D-1) Response to Audit & Review of Operations of the Erie County
 BOE

Item 74 – (COMM. 6D-2) Polling Place Rental Costs

The above two items were received and referred to the GOVERNMENT AFFAIRS
 COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 75 – (COMM. 6D-3) Minutes of Board of Trustees Meeting Held 1/25/06

Received and filed.

FROM THE COUNTY ATTORNEY

Item 76 – (COMM. 6D-4) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE DEPARTMENT OF INFORMATION AND SUPPORT SERVICES

Item 77 – (COMM. 6D-5) Erie County 24 Hour Vehicle Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT AND FINANCE

Item 78 – (COMM. 6D-6) Revenue Recovery Unit

Item 79 – (COMM. 6D-7) Grant Program Request - As Discussed at Finance & Management

The above two items were received and referred to the FINANCE & MANAGEMENT
 COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ROGER J. HOFFMAN

Item 80 – (COMM. 6M-1) Apprentice Law

Received and filed.

FROM THE ECIDA

Item 81 – (COMM. 6M-2) Notice of Annual Membership Meeting Held 3/13/06

Received and filed.

FROM THE NYS DEPT. OF AGRICULTURE & MARKETS

Item 82 – (COMM. 6M-3) Notice to Initiate Review of EC Agriculture District No. 6

Received and filed.

FROM THE NFTA

Item 83 – (COMM. 6M-4) Board Minutes for Meeting Held 3/23/06

Received and filed.

FROM THE BUILDING & CONSTRUCTION TRADES COUNCIL

Item 84 – (COMM. 6M-5) Petition in Favor of Overriding Veto of LL Intro No. 1-2006

Received and filed.

FROM THE ZION UNITED CHURCH OF CHRIST

Item 85 – (COMM. 6M-6) Department of Health Food Fee

Received and filed.

FROM THE TOWN OF HAMBURG

Item 86 – (COMM. 6M-7) Engel Drive Sanitary Sewer Improvement Area (SS-30)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE WNY COUNCIL OF THE COMMUNICATION WORKERS OF AMERICA

Item 87 – (COMM. 6M-8) Letter in in Favor of Overriding Veto of LL Intro No. 1-2006

Received and filed.

FROM THE CWA

Item 88 – (COMM. 6M-9) Letter in in Favor of Overriding Veto of LL Intro No. 1-2006

Received and filed.

FROM THE CSEA LOCAL 815

Item 89 – (COMM. 6M-10) Comm. 5E-15

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ASSOCIATED BUILDERS & CONTRACTORS

Item 90 – (COMM. 6M-11) Petition in Opposition to LL Intro No. 1-2006

Item 91 – (COMM. 6M-12) Petition in Opposition to LL Intro No. 1-2006

The above two items were received and filed.

FROM NYS SENATOR MARC COPPOLA

Item 92 – (COMM. 6M-13) Charter Revision Commission

Received and filed.

FROM NYS SENATOR DALE VOLKER

Item 93 – (COMM. 6M-14) Impact of Medicaid Upon Erie County Budget

Received and referred to the HEALTH COMMITTEE.

MEMORIAL RESOLUTIONS

Item 94 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Sandra Lee Wirth.

Item 95 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Henry “Hank” Gossel.

Item 96 – Legislator Smith requested that when the Legislature adjourns, it do so in memory of Herbert Bellamy, Sr.

Item 97 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of John Donogher.

Item 98 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Jeremy Krencik.

Item 99 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Pfc. Benjamin C. Schuster.

Item 100 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Douglas Cobb.

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Item 101 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of those who lost their lives crossing the Atlantic Ocean in the 1800s to escape the famine in Ireland.

ADJOURNMENT

Item 102 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, April 6, 2006 at 2 p.m. Eastern Standard Time. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, April 6, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK